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UNITED STATES OF AMERICA

PRELIMINARY ORDER OF
FORFEITURE

- against -

05-CR-792 (FB) (MDG)

ZHONG LING CHEN,

Defendant.

- - - - -X

WHEREAS, in the above-captioned criminal action, the United States of America sought the forfeiture of specific properties, or in the alternative, substitute assets, of the defendant ZHONG LING CHEN, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c); and

WHEREAS, on October 18, 2005, the defendant ZHONG LING CHEN, entered a plea agreement with the United States, and agreed, *inter alia*, to plead guilty to the Information charging him with trafficking and attempting to traffic in counterfeit goods, to wit, compact discs and digital video discs, in violation of 18 U.S.C. § 2320(a); and

WHEREAS, the defendant ZHONG LING CHEN, *inter alia*, has as part of his Plea Agreement with the United States, agreed to the entry of an Order of Forfeiture against the defendant, and to forfeit to the United States all right, title and interest in any and all properties constituting or derived from proceeds

traceable to the offenses contained in the Superceding Information; and

WHEREAS on October 17, 2005, 2005 this Court conditionally accepted the defendant's guilty plea; and

WHEREAS, by virtue of the Defendant having pled guilty and waived all his constitutional, legal and equitable defenses and rights to the forfeiture allegation of the Information, the United States is now entitled to possession of the forfeited property, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The following properties seized at 47-28 37th Street, in Queens, New York on or about December 9, 2002 are hereby forfeited to the United States:

- a. 35,650 counterfeit compact discs;
- b. 9,244 counterfeit digital video discs;
- c. 30,400 compact disc jewel cases;
- d. 21,800 compact disc jewel case inserts;
- e. 1,256 digital video disc cases;
- f. 11,200 sheets of 17-inch by 11-inch paper;
- g. counterfeit compact disc labels;
- h. counterfeit digital video disc labels;
- i. one shrink-wrap machine;
- j. one industrial paper cutter;
- k. two small papers cutters;

- l. copier toner;
- m. 156 compact disc duplicating machines;
- n. 12,400 blank compact discs;
- o. eight compact disc printers;
- p. 11 computer processing units;
- q. two photocopiers;
- r. one electronic paper folder;
- s. one color laser jet printer;
- t. one digital video disc drive;
- u. six VHS cassettes;
- v. one cellular telephone;
- w. one cellular telephone holder;
- x. two pagers; and
- y. three video cameras.

2. The amount of One Hundred and Thousand Dollars and No Cents (\$100,000.00) in United States currency ("Forfeiture Money Judgment") is hereby forfeited to the United States and entered against the defendant, ZHONG LING CHEN.

3. All payments on the Forfeiture Money Judgment to the United States shall be made by bank or certified check made payable to the "United States Department of Treasury" and delivered by hand or overnight mail to Assistant U.S. Attorney Claire S. Kedeshian, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn no later than November 1, 2005.

4. The United States Department of Treasury shall dispose of the forfeited properties and deposit all payments on the Forfeiture Money Judgment in accordance with applicable laws and regulations.

5. Until the properties are forfeited and the Forfeiture Money Judgment is fully satisfied, defendant, ZHONG LING CHEN, shall not, directly or indirectly engage in any effort to transfer, sell, assign, pledge, hypothecate, encumber or dispose of in any manner, or cause to be transferred, sold, assigned, hypothecated, encumbered, or disposed of in any manner the properties subject to forfeiture.

6. Upon entry of this Order, the United States is authorized to seize the forfeited properties and funds and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

7. The United States shall publish notice of the order and its intent to dispose of the property in such a manner as the Attorney General (or a designee) may direct. The United States, may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the properties to be forfeited.

8. Any person, other than the above-named defendant, asserting a legal interest in the properties subject to forfeiture may, within thirty days of the final publication of

notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the properties to be forfeited, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n), as incorporated by reference in 18 U.S.C. § 981.

9. Any petition filed by a third party asserting an interest in the properties to be forfeited shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the properties to be forfeited, the time and circumstances of the petitioner's acquisition of the right, title or interest in the properties to be forfeited, any additional facts supporting the petitioner's claim and the relief sought. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

10. Pursuant to Fed. R. Crim. P. 32.2(b)(3), at sentencing, a Final Order of Forfeiture shall be made a part of the Defendant's sentence and included in the final Judgment.

11. In accordance with Fed. R. Crim. P. 32.2(b)(3), the United States is hereby authorized to conduct any discovery necessary to help identify, locate, or dispose of any property subject to forfeiture.

12. The United States shall have clear title to the properties to be forfeited following the Court's disposition of all third-party interests, or if none, following the expiration

of the period provided in 21 U.S.C. § 853(n)(2), for the filing of third party petitions.

13. The Clerk of Court shall forward four certified copies of this order to Assistant U.S. Attorney Claire S. Kedeshian, U.S. Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Brooklyn, New York
Dated: ~~October~~ **SEPTEMBER 7,** 2005

SO ORDERED:

No opposition submitted B

HONORABLE ~~FREDERIC~~ BLOCK
UNITED STATES DISTRICT JUDGE



U.S. Department of Justice

United States Attorney
Eastern District of New York

EAB:CSK
F# 2005V00502
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One Pierrepont Plaza
Brooklyn, New York 11201

Mailing Address: 147 Pierrepont Street
Brooklyn, New York 11201

October 24, 2005

The Honorable Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States of America v. Zhong Ling Chen
CR 05-792 (FB)

Dear Judge Block:

Pursuant to Fed. R. Crim. P. 32.2 (b), defendant's plea agreement, and guilty plea in the above referenced criminal action, which was conditionally accepted by Magistrate Judge Go on October 18, 2005, enclosed please find for the Court's review and approval a Preliminary Order of Forfeiture.

If it meets with the Court's approval, we respectfully request that a so ordered copy be filed with the Clerk of Court and that three certified copies are sent to the undersigned Assistant U.S. Attorney. We thank the Court for its consideration of this matter.

Respectfully submitted,

ROSLYNN R. MAUSKOPF
United States Attorney
Eastern District of New York

By: Claire S. Keveshian
CLAIRE S. KEDESHIAN
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cc: Jeffrey Weisenfeld, Esq.
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